

SB316 ENGROSSED



1 DW71NN-2

2 By Senators Figures, Hatcher, Singleton, Smitherman, Givhan,
3 Beasley, Stewart, Bell, Coleman-Madison, Hovey, Chambliss,
4 Elliott, Livingston, Roberts, Reed, Scofield, Gudger, Weaver,
5 Williams, Price, Chesteen, Butler, Stutts, Melson, Allen,
6 Waggoner, Orr, Barfoot, Sessions, Albritton, Coleman, Jones,
7 Carnley, Shelnutt

8 RFD: Judiciary

9 First Read: 11-May-23

10 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to vaping devices; to amend Section 28-11-14, Code of Alabama 1975, to further provide prohibitions on the possession of an electronic nicotine delivery system by individuals under 21 years of age; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-11-13, Code of Alabama 1975, is amended to read as follows:

"§28-11-13

(a) (1) It is unlawful for any individual under the age of 21 years to purchase, use, possess, or transport tobacco, a tobacco product, an electronic nicotine delivery system or other electronic battery-powered device capable of being used to deliver any e-liquid, e-liquid substitute, tobacco, CBD oil, THC oil, herbal extract, or nicotine salt, or any analog thereof, or any other substance to the individual through the inhalation of vapor, or an alternative nicotine product within



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29 this state.

30 (2) For purposes of the unlawful purchase, use,
31 possession, or transportation of an electronic nicotine
32 delivery system, a violation is committed upon mere possession
33 of an electronic nicotine delivery system, regardless of
34 whether the electronic nicotine delivery system contained or
35 was used in combination with an e-liquid, any tobacco product,
36 or any other substance.

37 (b) It shall not be unlawful for an individual under
38 the age of 21 years who is an employee of a tobacco, tobacco
39 product, electronic nicotine delivery system, or alternative
40 nicotine product permit holder to handle, transport, or sell
41 tobacco, a tobacco product, an electronic nicotine delivery
42 system, or an alternative tobacco product if the employee is
43 acting within the line and scope of employment and the permit
44 holder, or an employee of the permit holder who is 21 years of
45 age or older, is present.

46 ~~(b)~~ (c) It is unlawful for any individual under the age
47 of 21 years to present or offer to another person proof of
48 identification which is false, fraudulent, or not actually his
49 or her own proof of identification in order to buy, receive,
50 or otherwise obtain, or attempt to buy, receive, or otherwise
51 obtain, any tobacco, tobacco product, electronic nicotine
52 delivery system, or alternative nicotine product.

53 ~~(e)~~ (d) If a minor is cited for any violation under this
54 section, the citing agency shall make reasonable efforts to
55 notify a parent, legal guardian, or legal custodian of the
56 minor unless the minor has been emancipated by court order or



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57 operation of law."

58 Section 2. Although this bill would have as its purpose
59 or effect the requirement of a new or increased expenditure of
60 local funds, the bill is excluded from further requirements
61 and application under Section 111.05 of the Constitution of
62 Alabama of 2022, because the bill defines a new crime or
63 amends the definition of an existing crime.

64 Section 3. This act shall become effective on the first
65 day of the third month following its passage and approval by
66 the Governor, or its otherwise becoming law.

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67
68
69 Senate

70 Read for the first time and referred11-May-23
71 to the Senate committee on Judiciary
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73 Read for the second time and placed17-May-23
74 on the calendar:
75 1 amendment
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77 Read for the third time and passed24-May-23
78 as amended
79 Yeas 35
80 Nays 0
81 Abstains 0

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Patrick Harris,
Secretary.